

|   |                                    |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
|---|------------------------------------|---|---|------------------------------------|---|-----------------------------------|--|----------------------------------|-------------------------|--------------------------------|---|-----------------------|--|------------------|--|----------------------|--|------|
| <b>NOTICE OF APPEAL FROM THE EXAMINER TO<br/>THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>  |                                    | Docket Number (Optional)<br><b>EISN-009US</b> |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">In re Application of<br/><b>Rulin FAN</b></td> </tr> <tr> <td style="padding: 5px;">Application Number<br/><b>10/546,132-Conf. #9915</b></td> <td style="padding: 5px;">Filed<br/><b>December 12, 2005</b></td> </tr> <tr> <td colspan="2" style="padding: 5px;">For <b>REAGENTS AND METHODS FOR PREPARING LPS<br/>ANTAGONIST B1287 AND STEREOISOMERS THEREOF</b></td> </tr> <tr> <td style="padding: 5px;">Art Unit<br/><b>1623</b></td> <td style="padding: 5px;">Examiner<br/><b>R. P. Issac</b></td> </tr> </table>   |                                    |   | In re Application of<br><b>Rulin FAN</b>      |                                    | Application Number<br><b>10/546,132-Conf. #9915</b> | Filed<br><b>December 12, 2005</b> | For <b>REAGENTS AND METHODS FOR PREPARING LPS<br/>ANTAGONIST B1287 AND STEREOISOMERS THEREOF</b>   |                                  | Art Unit<br><b>1623</b> | Examiner<br><b>R. P. Issac</b> |   |                       |  |                  |  |                      |  |      |
| In re Application of<br><b>Rulin FAN</b>  |                                    |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
| Application Number<br><b>10/546,132-Conf. #9915</b>   | Filed<br><b>December 12, 2005</b>  |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
| For <b>REAGENTS AND METHODS FOR PREPARING LPS<br/>ANTAGONIST B1287 AND STEREOISOMERS THEREOF</b>  |                                    |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
| Art Unit<br><b>1623</b>   | Examiner<br><b>R. P. Issac</b>     |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
| <p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <span style="float: right;">\$ <u>510.00</u></span></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ _____</span></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0080</u>.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.</b></p> <p>I am the</p> <table style="width: 100%;"> <tr> <td style="width: 60%;"><input type="checkbox"/> applicant /inventor.</td> <td style="width: 40%; text-align: right;"><u>/Elizabeth A. Hanley, Esq./</u></td> </tr> <tr> <td></td> <td style="text-align: right;">Signature</td> </tr> <tr> <td><input type="checkbox"/> assignee of record of the entire interest.<br/>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td> <td style="text-align: right;"><u>Elizabeth A. Hanley, Esq.</u></td> </tr> <tr> <td></td> <td style="text-align: right;">Typed or printed name</td> </tr> <tr> <td><input checked="" type="checkbox"/> attorney or agent of record.<br/>Registration number <u>33,505</u></td> <td style="text-align: right;"><u>(617) 994-0791</u></td> </tr> <tr> <td></td> <td style="text-align: right;">Telephone number</td> </tr> <tr> <td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br/>Registration number if acting under 37 CFR 1.34. _____</td> <td style="text-align: right;"><u>April 2, 2008</u></td> </tr> <tr> <td></td> <td style="text-align: right;">Date</td> </tr> </table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> |                                    |   | <input type="checkbox"/> applicant /inventor. | <u>/Elizabeth A. Hanley, Esq./</u> |   | Signature                         | <input type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | <u>Elizabeth A. Hanley, Esq.</u> |                         | Typed or printed name          | <input checked="" type="checkbox"/> attorney or agent of record.<br>Registration number <u>33,505</u> | <u>(617) 994-0791</u> |  | Telephone number | <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34. _____ | <u>April 2, 2008</u> |  | Date |
| <input type="checkbox"/> applicant /inventor.   | <u>/Elizabeth A. Hanley, Esq./</u> |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
|   | Signature                          |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
| <input type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  | <u>Elizabeth A. Hanley, Esq.</u>   |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
|   | Typed or printed name              |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |
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|   | Date                               |   |   |                                    |   |                                   |  |                                  |                         |                                |   |                       |  |                  |  |                      |  |      |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 2, 2008

Electronic Signature for Elizabeth A. Hanley, Esq.: /Elizabeth A. Hanley, Esq./